

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-83-FL

ERVIN R. PITTMAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,


Defendant.

ORDER

This matter is before the court on the Memorandum and Recommendation ("M&R") of United States Magistrate Judge Robert B. Jones, Jr., regarding the parties' cross-motions for judgment on the pleadings. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of Magistrate Judge Jones as its own, and, for the reasons stated therein, plaintiff's motion is GRANTED in part and DENIED in part, defendant's motion is GRANTED in part and DENIED in part, and this matter is REMANDED to the Commissioner for further proceedings consistent with the M&R. The clerk of court is directed to close the case.

SO ORDERED, this the 10th day of October, 2008.


LOUISE W. FLANAGAN

Chief United States District Judge